In the High Court of Punjab and Haryana, Chandigarh

C.W.P. No. 15523 of 2006

Date of Decision: September 26, 2006

Karampal Shastri and others

…Petitioners

Versus

State of Haryana and others

…Respondents

CORAM: HON'BLE MR. JUSTICE M.M. KUMAR
HON'BLE MR. JUSTICE M.M.S. BEDI

PRESENT: Mr. Manohar Lall, Advocate,
for the petitioners.

JUDGMENT

M.M. KUMAR, J (Oral)

The prayer made in this petition filed under Article 226 of the Constitution is for issuance of a writ in the nature of mandamus directing the respondents to treat the Dearness Allowance as Dearness pay for reckoning emoluments for the purpose of retirement gratuity/Death-cum-Retirement Gratuity and re-fixation of pension of the petitioners, who retired from service prior to 1.4.1995. A further prayer has been made for directing the respondents to re-fix the amount of gratuity/pension and other retiral benefits along with interest @ 18% per annum. The petitioners have placed reliance on a Division Bench judgment of this Court in the case of Hoshiar Singh

and others v. State of Haryana (C.W.P. No. 7446 of 2003, decided 23.9.2005).

The matter is not res integra as this Court has already opined in favour of the petitioners in the judgment dated 23.9.2005 (P-2). The petitioners have already staked their claims by sending a legal notice on 20.8.2006 (P-3), which is pending consideration of the respondents and no decision on the same has so far been taken.

In view of above, we deem it just and appropriate to direct the respondents to take cognisance of the legal notice sent by the petitioners and decide the same expeditiously preferably within a period of three months from the date a certified copy of this order is presented to them. If the claim of the petitioners is found to be meritorious and decided in their favour then the benefit accruing to the petitioners shall be disbursed within a further period of four months thereafter. It shall be appreciated if the aforementioned judgment of this Court is kept in view and a speaking order is passed.

Petition stands disposed of in the above terms.

(M.M. KUMAR)
JUDGE

(M.M.S. BEDI)
JUDGE

September 26, 2006

Pkapoor